

## NOTICE OF EMERGENCY RULE PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. §'s 6172 and 6192

**RULE PROMULGATION:** DMR Regulation 95.06 II, Closed Area No. 26-E, Dutch Neck and Back River Cove, Waldoboro and Friendship.

**TEXT OF RULE:** DMR Regulation 95.06 II, Closed Area No. 26-E, Dutch Neck and Back River Cove, Waldoboro and Friendship.

1. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the Medomak River, Waldoboro, inside of a line beginning at a red painted post located on the point of land, locally known as Bartolett Point, directly west of Haystack Island, and running approximately 700 yards west to a red painted post located on an unnamed point of land.
2. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the Medomak River, Waldoboro, inside of a line beginning at a red painted post located approximately 400 yards south of the Dutch Neck launching ramp; running due north approximately 1000 yards to the first point of land northeast of the ramp.
3. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the Medomak River, Friendship, inside of the following lines: 1) a line beginning at the shore end of Forest Lake Road; then running along the south side of the lobster pound to the southwest corner of the pound; then running northwest to the southwest tip of Wharton Island, AND 2) a line beginning at the north end of Wharton Island and running due north to the south end of Wolsgrover Island, AND 3) a line beginning at the northeast end of Wolsgrover Island and running northeast approximately 600 yards to the southwest end of Boot Neck.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. § 6204).

EFFECTIVE DATE: May 19, 2004

AGENCY CONTACT PERSON:

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West Boothbay Harbor, ME 04575

COURIER GAZETTE:  
May 25, 2004

### STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources promulgates the new emergency DMR Regulation 95.06 II, Closed Area No. 26-E, Dutch Neck and Back River Cove, Waldoboro and Friendship. This new regulation describes the shellfish closure at Dutch Neck and the 2 closures in Back River Cove in the Medomak River, which were previously described in Closed Area No. 26. This is an administrative change.

Department personnel have determined that the closed areas are subject to microbiological pollution and will remain closed to protect the public health.

  
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DAVID ETNIER  
DEPUTY COMMISSIONER





# Maine Department of Marine Resources

Legal Notice of Shellfish Closure Area  
**26E Dutch Neck and Back River Cove**

**5/19/04**

